

RECEIVED  
CENTRAL FAX CENTER

OCT 06 2006

PATENT  
18088 (AT 20958-1534)

## REMARKS

Claims 1-28 are pending in this application. Claims 1-18 and 20-28 are rejected. Claim 19 is allowed. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, Applicant acknowledges with appreciation the allowance of claim 19.

Claims 1, 2, 4, 5, 7, 15-18 and 20-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent Application Publication 2003/0211827) in view of Menard (U.S. Patent Application Publication 2004/0203563) and further in view of Yarkosky (U.S. Patent 6,895,218). Applicant respectfully traverses this rejection.

The Office Action asserts that although Yonezawa fails to disclose transmitting a "second type of communication signal to a second communication module if the received signal is a priority signal" (Office Action, page 3), it would have been obvious to one of ordinary skill in the art to modify the system of Yonezawa to include a priority signal as described in Menard "for the purpose of communicating an emergency message" (Office Action, page 4). Applicant respectfully submits that there is no motivation to combine these references as set forth in the Office Action and accordingly such combination is improper.

Yonezawa et al. describes a repeater for a radio communication system that is intended to eliminate a blind zone in a closed space such as a tunnel or shopping center (abstract). Yonezawa et al. is concerned with attempting to eliminate blind zones as well reducing the cost of installation by eliminating the need for coaxial cable to connect the various components in a conventional system (paragraphs 0041-0046). There is no description or suggestion in Yonezawa et al. or any reason whatsoever described therein to provide a distinction between different types of transmitted signals. The system of Yonezawa et al. merely provides repeaters that forward received signals such that blind zones are eliminated. Accordingly, all signals are repeated and not just selected ones, such as priority signals.

Further, there is no way to distinguish between different types of signals using the system of Yonezawa et al. The system of Yonezawa et al. provides low-cost repeaters for

PATENT  
18088 (AT 20958-1534)

communicating information in areas that are blind zones. There is simply no way that the repeater of Yonezawa et al., which is designed to merely extend the communication distance for a transmission using a receiver, transmitter and amplifier, can distinguish between different signals and only transmit certain identified signals. There is no processor or logic in the repeaters to allow the system of Yonezawa et al. to distinguish between, for example, non-priority and priority signals.

Moreover, one skilled in the art would in fact be motivated not to combine Yonezawa et al. with Menard. In particular, Yonezawa et al. is concerned with cost savings and providing a low cost repeater (see, e.g., Yonezawa et al. at paragraph 0014). In order for the signal distinguishing portion of the Menard system to be implemented in the Yonezawa et al. system, a database or similar component would have to be installed (see, e.g., Menard at paragraph 0025) in the system of Yonezawa et al. because, as described above, the system of Yonezawa et al. does not include any components that would allow for such a distinguishing process to be performed. The addition of the distinguishing components, for example, a processor and database would add cost to the Yonezawa et al. system in direct contradiction to the stated purposes/advantages of the Yonezawa et al. system to provide low cost repeaters.

Accordingly, there is no motivation to combine the Yonezawa et al. reference with the Menard reference and such a combination is improper. The general assertion that one of ordinary skill in the art would be motivated to combine the Yonezawa et al. system with the Menard system as set forth above is improper and does not satisfy the requirement that a suggestion to combine be present in the primary reference.

Additionally, the Yarkosky reference describes a system having a propagation relay to improve wireless communication in buildings. However, there is simply no description or suggestion of distinguishing between different types of signals, such as priority and non-priority signals. Accordingly, the Yarkosky reference does not make up for the deficiencies of the Yonezawa et al. reference as discussed above.

Claims 3 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Menard and Yarkosky and further in view of Iwata et al. (U.S. Patent Application Publication 2004/0137842 A1). Applicant respectfully traverses this rejection.

PATENT  
18088 (AT 20958-1534)

Claims 3 and 12 depend from independent claim 1 and are allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Iwata et al. reference, this reference fails to make up for the deficiencies of the Yonezawa et al, Menard and Yarkosky references as discussed in more detail above.

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Menard and Yarkosky and further in view of Takatori et al. (U.S. Patent 6,421,027 B1). Applicant respectfully traverses this rejection.

Claim 6 depends from independent claim 1 and is allowable based at least on the dependency of this claim from claim 1. Further, even from a cursory reading of the Takatori et al. reference, this reference fails to make up for the deficiencies of the Yonezawa et al, Menard and Yarkosky references as discussed in more detail above.

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Menard and Yarkosky and further in view of Judd et al. (U.S. Patent Application Publication 2002/0177401). Applicant respectfully traverses this rejection.

Claims 8 and 9 depend from independent claim 1 and are allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Judd et al. reference, this reference fails to make up for the deficiencies of the Yonezawa et al, Menard and Yarkosky references as discussed in more detail above.

Claims 10, 11 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Menard and Yarkosky and further in view of Masoian (U.S. Patent Application Publication 2001/0031623). Applicant respectfully traverses this rejection.

Claims 10, 11 and 14 depend from independent claim 1 and are allowable based at least on the dependency of these claims from claim 1. Further, even from a cursory reading of the Masoian reference, this reference fails to make up for the deficiencies of the Yonezawa et al, Menard and Yarkosky references as discussed in more detail above.

PATENT  
18088 (AT 20958-1534)

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. in view of Menard and Yarkosky and further in view of Iwata et al. and Haemmig et al. (U.S. Patent 3,876,980). Applicant respectfully traverses this rejection.

Claim 13 depends from independent claim 1 and is allowable based at least on the dependency of this claim from claim 1. Further, even from a cursory reading of the Iwata et al. and Haemmig et al. references, these references fail to make up for the deficiencies of the Yonezawa et al, Menard and Yarkosky references as discussed in more detail above.

Claims 23-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill (U.S. Patent Application Publication 2004/0176027) in view of Yarkosky. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the combination of O'Neill and Yarkosky does not describe or suggest the apparatus recited in claims 23 and 24 and the method recited in claims 25 and 26.

The Office Action asserts that O'Neill describes all the elements recited in claim 23 except for transmitting "the radio signal substantially parallel to an outside of the building" and that Yarkosky discloses transmitting "the radio signal substantially parallel to an outside of the building (see Figure 5)" (Office Action, page 12). Therefore, the Office Action concludes that it would have been obvious to one of ordinary skill in the art to combine these references and "have the radio signal transmitted substantially parallel to an outside of the building as disclosed by Yarkosky for the purpose of transmitting it through to the communication modules" (Office Action, page 14).

O'Neill describes a repeater system for use in communications, such as, cellular system communications, that may be located in a high-rise building in the interior of an external room in the building, preferably near a window (see, e.g., O'Neill abstract and Figure 2). Yarkosky as shown in Figure 5 describes a propagation relay (including an antenna) attached to a building that provides communication between a base station and a plurality of mobile station interface ports within the building or other structure (column 6, lines 6-29). However, in order to communicate signals between the units in the building and a base station outside the building, the radio signals cannot be transmitted substantially parallel to an outside surface of the building as

PATENT  
18088 (AT 20958-1534)

recited in claims 23 and 24. Such a parallel transmission (upward and downward) would not provide proper communication of the signal to reach a base station located outside the building. As shown in Figure 5 of Yarkosky, the radio signals must be communicated outward from the building (i.e., perpendicular to the building) in order to reach a base station. Communication of the radio signals substantially parallel to the outside surface of the building is simply not shown or suggested. The signals shown in Figure 5 propagate perpendicular to the outside surface of the building and not parallel to the outside surface as recited in claim 23. Thus, the opposite is taught, namely, transmitting signals perpendicular to the outside surface of a building and not parallel to the outside surface of a building.

Further, contrary to the assertion in the Office Action, neither O'Neill or Yarkosky describe or suggest providing an indication of the elevation from which the signal was transmitted as recited in claims 25 and 26. The Office Action asserts that O'Neill fails to "disclose the signal includes an indication of the elevation from which the signal was transmitted" and that Yarkosky in Figures 1 and 6-8 "discloses the signal includes an indication of the elevation from which the signal was transmitted" (Office Action, page 13). The signals of the Yarkosky system may be transmitted from different elevations (as is known), however, an indication (e.g., height in meters or building floor) of the elevation from which the signal was transmitted is simply not described or suggested. There is no description whatsoever in Yarkosky of including an indication of the elevation from which the signal was transmitted nor is there any need for such an indication. Yarkosky is merely a propagation relay system for communication systems. The single sentence statement regarding Yarkosky in the Office Action in support of this rejection simply does not provide the required level of specificity to maintain such a rejection and is not supported by the reference.

Claim 28 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill and Yarkosky in view of Petite (U.S. Patent Application Publication 2005/0201397). Applicant respectfully traverses this rejection.

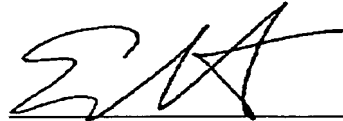
Claim 28 depends from independent claim 25 and is allowable based at least on the dependency of this claim from claim 25. Further, even from a cursory reading of the Petite reference, this reference fails to make up for the deficiencies of the O'Neill and Yarkosky references as discussed in more detail above.

PATENT  
18088 (AT 20958-1534)

Thus, for at least the reasons set forth above, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of all pending claims be withdrawn.

In view of the foregoing remarks, it is respectfully submitted that the prior art fails to teach or suggest the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



---

Evan Reno Sotiriou, Reg. No. 46,247  
THE SMALL PATENT LAW GROUP LLP  
Suite 1611  
611 Olive Street  
St. Louis, MO 63101  
314-584-4080